

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTIETH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 492 of 2005

Between:

1. Pakyala Murali, S/o. Chandrasekharaiah,
Resident of Kurinjalam Village, Varadaihpaalem Mandal, Chittoor
District.
2. Dama Geethamma, W/o. Venkateswarlu,
Resident of Kurinjalam Village, Varadaihpaalem Mandal, Chittoor
District.

... PETITIONERS

AND

1. The Mandal Revenue Officer, Varadaiahpaalem Mandal, Chittoor
District.
2. The Revenue Divisional Officer, Tirupathi, Chittoor District.
3. The District Collector, Chittoor District, Chittoor.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ or order or direction more particularly one in the nature of writ of Mandamus declaring the action of the first respondent in passing the impugned order dated 29-12-2004 in Roc No. A/278/2004 cancelling the assignment given to our Vendor and the consequent action for cancellation of Patta pass Book as illegal, arbitrary and unconstitutional and consequently direct the respondents herein not to interfere with ownership, the peaceful possession and enjoyment of the lands of the petitioners herein to an extent of Ac. 1-40 cents, Ac. 1-85 cents and Ac. 1-80 cents in Survey Nos. 1/12, 1/9 and 1/10 respectively situated in Kurinjalam Village of Varadaiahpaalem Mandal, Chittoor District.

Counsel for the Petitioners: MR.T.MAHENDER RAO

Counsel for the Respondents: GP FOR REVENUE

The Court at the stage of admission made the following order:

ORDER:

Heard the learned counsel for the petitioners and the learned Government Pleader for Revenue, and with their consent, the writ petition itself is disposed of at the stage of admission.

As against the impugned order dated 29-12-2004 passed by the first respondent-Mandal Revenue Officer, it is submitted by the learned Government Pleader for Revenue, and admitted to by the learned counsel for the petitioners that an effective alternative remedy by way of appeal is before the second respondent-Revenue Divisional Officer under Section 4-A of the A.P. Assigned Lands (Prohibition of Transfers) Act, 1977 (for short 'the Act').

If that be so, I deem it appropriate to dispose of the writ petition with the following directions:

The petitioners are at liberty to avail the remedy of appeal against the impugned order, as available to them under

Section 4-A of the Act, by filing an appeal, together with an application for stay, before the second respondent-Revenue Divisional Officer, within a period of four weeks from today, and on filing such appeal, the second respondent-Revenue Divisional Officer, shall either dispose of the appeal or the interlocutory application, and till appropriate orders are passed on the interlocutory application, status quo obtaining as on today shall be maintained by the parties.

The writ petition is accordingly disposed of. No costs.

N.V. RAMANA, J

Dated: 20th January, 2005.

LSK/KSR

**Note: Issue operative portion
of the order by wire at party's cost.**

B/o.

LSK/KSR

ASSISANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Mandal Revenue Officer,

Varadaiahpalem Mandal, Chittoor District.

2. The Revenue Divisional Officer, Tirupathi, Chittoor District.

3. The District Collector, Chittoor District, Chittoor.

4. Two C.Cs. to the G.P. for Revenue, High Court Buildings, Hyderabad.
(OUT)